

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

NORMAN PACHECO,

Plaintiff,

v.

EVELYN DAVIS, et al.,

Defendants.

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Civil No. 13-347 (FLW)

MEMORANDUM AND ORDER

IT APPEARING THAT:

1. On January 16, 2013, the Clerk of the Court docketed the instant Complaint (docket entry no. 1). Plaintiff failed to submit a completed in forma pauperis application as required by 28 U.S.C. § 1915(a)(1), (2) because he did not submit a six-month certified account statement as required by 28 U.S.C. § 1915(a)(2).
2. In light of Plaintiff's failure to submit an in forma pauperis application or prepay the filing fee, this Court issued an Order (docket entry no. 2), dated January 25, 2013, to administratively terminate the matter, but allowing Plaintiff thirty days time in which to reopen by submitting a completed in forma pauperis application or paying the filing fee.
3. Plaintiff has now submitted a renewed application to proceed in forma pauperis (docket entry no. 3).

4. Under the Prison Litigation Reform Act, a prisoner bringing a civil action in forma pauperis must submit an affidavit, including a statement of all assets, which states that the prisoner is unable to pay the fee. 28 U.S.C. § 1915(a)(1). The prisoner also must submit a certified copy of his inmate trust fund account statement for the 6-month period immediately preceding the filing of his complaint. 28 U.S.C. § 1915(a)(2). The prisoner must obtain this statement from the appropriate official of each prison at which he was or is confined. Id.
5. While Plaintiff has now filed an institutional account statement, the statement was not certified by an appropriate official of the facility at which Plaintiff is confined. As such, Plaintiff's application remains deficient.

THEREFORE, it is on this 27th day of February, 2013;

ORDERED that the Clerk shall reopen this matter by making a new and separate entry on the docket reading "CIVIL CASE REOPENED"; and it is further

ORDERED that Plaintiff's application to proceed in forma pauperis is hereby DENIED, without prejudice; and it is further

ORDERED that the Clerk of the Court shall administratively terminate this case, without filing the complaint or assessing a filing fee; and it is further

ORDERED that if Plaintiff wishes to reopen this case, he shall so notify the Court, in writing addressed to the Clerk of the Court, Clarkson S. Fisher U.S. Courthouse and Federal Bldg., 402 East State Street, Trenton, New Jersey 08608, within 30 days of the date of entry of this Order; Plaintiff's writing shall include either (1) a complete, signed in forma pauperis application, including a certified six-month prison account statement, or (2) the \$350 filing fee; and it is further

ORDERED that upon receipt of a writing from Plaintiff stating that he wishes to reopen this case, and either a complete in forma pauperis application or filing fee within the time allotted by this Court, the Clerk of the Court will be directed to reopen this case; and it is further

ORDERED that the Clerk shall close the file in this matter by making a new and separate entry on the docket reading "CIVIL CASE CLOSED."

s/Freda L. Wolfson
Freda L. Wolfson
United States District Judge